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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,009	07/23/2001	Jeffrey D. Minelli	702.93	3680

7590 08/08/2003
Devon A. Rolf
GARMIN INTERNATIONAL, INC.
1200 East 151st Street
Olathe, KS 66062

EXAMINER

THOMPSON, GREGORY D

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 08/08/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,009

Applicant(s)

MINELLI, JEFFREY D.

Examiner

Gregory D Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-28, 31-41 and 44-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 11-28, 31-41 and 44-50 is/are allowed.
- 6) ☒ Claim(s) 51-54 and 58-60 is/are rejected.
- 7) ☒ Claim(s) 55 and 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Notice of Withdrawal From Issue under 37 CFR 1.315

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1. Prosecution on the merits of this application is reopened on claims 51-60 considered unpatentable for the reasons indicated below:

Refer to paragraphs 3, 4 for the rejection.

2. Applicant is advised that the Notice of Allowance mailed 4/4/03 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 51-54, 58 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by

LaGrotta et al.

The housing with electronics mounted within the interior is housing 1. The heat sink is 14 and the gasket would be 15 or 17. Gasket 17 is mounted in the rim of an aperture of housing 1 with the sink 14 having a part (protuberance inserted into the aperture as seen in Figs. 4, 5. A

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rim can be defined by "an edge, border" as defined by Webster's New World Dictionary Second College Edition copyright 1980.

The door sealable covering an opening would be 8, 12 and sealed with seal 23. Don 8, 12 is moveable between an open position when door 8, 12 is detached from housing 2 and closed position, when door 8, 12 is attached to housing 1.

Regarding claim 54, the protuberance is labeled in Fig. 5. The interior portion of housing 1 would include the area, open space occupied by the labeled protuberance in Fig. 5 with the protuberance in Fig. 5 with the protuberance extending therein to transfer heat from the electronics.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaGrotta et al in view of Hendrix et al.

LaGrotta discloses the weather resistant enclosure, housing with a heat sink sealable coupled to the exterior thereof and a door sealable covering the open of the enclosure, housing as discussed in paragraph 3 above. The seal or gasket 23 provides a compression seal between the doors 8, 12 and housing 1.

LaGrotta does not teach or suggest the door fringed to housing 1.

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Hendrix discloses a sealable door 51 hinged to a housing when closed forms a snug engagement with the housing about an opening in the housing.

Therefore, it is considered obvious to one skilled at the time of the invention to use the hinge structure taught by Hendrix in place of the left side studs 6, holes in Fig. 3 of LaGrotta or an alternative means to allow opening and closing of the door using less parts that may become lost but still provide a snug engagement with housing 1 about the opening to provide an excellent environmental seal.

5. Claims 55-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The cited art does not teach nor suggest a screw, clip securing the sink to the housing nor separate top and bottom pieces with a seal therebetween as claimed in claims 55-57, respectively.

6. Claims 1-8, 11-28, 31-41, 46-50 are allowed.

The above claims are allowable for reasons set forth by applicant on page 7 of response filed 2/21/03.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schultz, Pagnozzi disclosure sealed two piece housings. Speziale discloses a hinge to replace a screw for attachment between two members.

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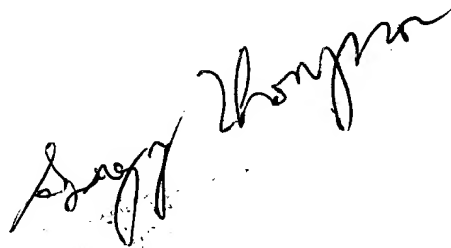
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Thompson whose telephone number is (703) 308-2249. The examiner can normally be reached on Mon-Thurs from 6:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg, can be reached on (703) 308-4215. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

G THOMPSON/pj

08/06/03

A handwritten signature in cursive script, appearing to read "Greg Thompson", is written diagonally across the lower right portion of the page.



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Paper No. 6

Devon A. Rolf
GARMIN INTERNATIONAL, INC.
1200 East 151st Street
Olathe, KS 66062

In re Application of:
Jeffrey Minelli
Application No. 09/911,009
Filed: July 23, 2001
Attorney Docket No. 702.93

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR § 1.313

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 CFR § 1.313.

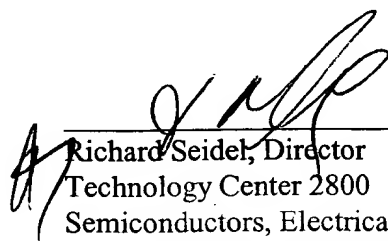
The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed April 04, 2003, are hereby vacated.

The application is being withdrawn to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

Upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account.

Telephone inquiries should be directed to Darren Schuberg at (703) 308-4815.

The above-identified application is being forwarded to the examiner for prompt appropriate action.


Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components